

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

BENHAM CONSTRUCTORS, LLC f/k/a	)	
LEIDOS CONSTRUCTORS, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-16-732-D
	)	
SAULSBURY INDUSTRIES, INC,	)	
	)	
Defendant.	)	

**ORDER**

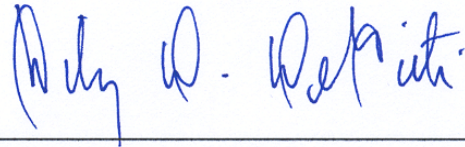
Upon examination of the Complaint, the Court finds insufficient factual allegations to establish the existence of subject matter jurisdiction under 28 U.S.C. § 1332(a), as asserted by Plaintiff.<sup>1</sup> Plaintiff identifies itself as an Oklahoma limited liability company and states its principal place of business is Oklahoma. For purposes of citizenship, however, a limited liability company is not treated like a corporation under § 1332(c)(1), but like an unincorporated association under *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96 (1990). *See Siloam Springs Hotel, L.L.C. v. Century Surety Co.*, 781 F.3d 1233, 1237-38 (10th Cir. 2015). The Complaint does not identify Plaintiff's members or allege their citizenship and, therefore, fails to demonstrate diversity of citizenship between the parties. Thus, the Complaint does not establish a basis of federal jurisdiction.

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<sup>1</sup> The Court has "an independent obligation to determine whether subject-matter jurisdiction exists" and may raise the issue *sua sponte* at any time. *Image Software, Inc. v. Reynolds & Reynolds Co.*, 459 F.3d 1044, 1048 (10th Cir. 2006).

IT IS THEREFORE ORDERED that Plaintiff is directed to file an amended pleading within 14 days of this date to cure the deficiency identified in this Order.

IT IS SO ORDERED this 29<sup>th</sup> day of June, 2016.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE